

6/14/04

(R)

2682



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Xybernaut Corporation
Serial Number : 09/858,082
Filing Date : May 15, 2001
For : Personal Communicator
Examiner/Art Unit : Temica M. Davis/2681

3/A
smc
6/29/04
(NE)

Under Secretary of Commerce for Intellectual Property and Director
of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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JUN 21 2004

Technology Center 2600

Sir:

This is in response to the Office Action mailed May 10, 2004. Please make the
following amendments:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): XYBERNAUT CORPORATION

Docket No.

X0105A

Serial No.

09/858,082

Filing Date

5/15/01

Examiner

TEMICA M. DAVIS

Group Art Unit

2681

PERSONAL COMMUNICATOR

Invention

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I hereby certify that the following correspondence:

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AMENDMENT

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

JUNE 11, 2004
(Date)

JAMES J. RALABATE

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

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AMENDMENT TRANSMITTAL LETTER (Small Entity)

Applicant(s): XYBERNAUT CORPORATION

Docket No.

X0105A

Serial No.

09/858,082

Filing Date

5/15/01

Examiner

TEMICA M. DAVIS

Group Art Unit

2681

Invention: PERSONAL COMMUNICATOR

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TO THE COMMISSIONER FOR PATENTS:

Technology Center 2600

Transmitted herewith is an amendment in the above-identified application.

- ☒ Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.
- ☐ A verified statement to establish Small Entity status under 37 CFR 1.27 is enclosed.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	-	20 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	-	3 =	0 x	\$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. _____ in the amount of _____
- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 18-0080
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☐ Any patent application processing fees under 37 CFR 1.17.

James J. Ralabate
Signature

Dated: JUNE 11, 2004

JAMES J. RALABATE, REG. NO. 19,211
ATTORNEY FOR APPLICANT
5792 MAIN STREET
WILLIAMSVILLE NY 14221

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

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